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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY  DEPUTY

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Abdul-Jabbar Gbajabiamila
10

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**
13

14 ABDUL-JABBAR GBAJABIAMILA,
15 Plaintiff,
16

17 vs.

18 ABERCROMBIE & FITCH, INC.;
HOLLISTER CO.; and DOES 1
19 through 50, inclusive,
20 Defendants.
21
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23
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25
26
27
28

CASE NO:

CASE FILED:

'10 CV 0740 IEG WMC

**COMPLAINT FOR DAMAGES;
DEMAND FOR JURY TRIAL**

1. **RACE DISCRIMINATION (42 U.S.C. § 2000e *et seq.*) – DISPARATE TREATMENT**
2. **RACE DISCRIMINATION (42 U.S.C. § 2000e *et seq.*) – DISPARATE IMPACT**
3. **NATIONAL ORIGIN DISCRIMINATION (42 U.S.C. § 2000e *et seq.*)**
4. **RETALIATION FOR OPPOSING AN UNLAWFUL EMPLOYMENT PRACTICE (42 U.S.C. § 2000e *et seq.*)**
5. **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

DEMAND FOR JURY TRIAL

CR

1 Plaintiff Abdul-Jabbar Gbajabiamila brings this action against Abercrombie
2 & Fitch, Inc., under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et*
3 *seq.* as amended and for wrongful termination in violation of public policy under the
4 laws of California. Plaintiff has exhausted all his administrative remedies. Plaintiff
5 now brings this case to vindicate his right to be free from race discrimination in the
6 workplace.

7 JURISDICTION AND VENUE

8 1. This case arises under the laws of the United States and presents a
9 federal question within this Court's jurisdiction under 28 U.S.C. § 1331 and 42
10 U.S.C. § 2000e-5(f).

11 2. Plaintiff's claims for injunctive and equitable relief are authorized by
12 42 U.S.C. § 2000e-5(g).

13 3. Venue lies in the Southern District of California, the judicial district in
14 which the claim arose, pursuant to 28 U.S.C. § 1391(b).

15 4. Plaintiff's state law claims for relief are within the supplemental
16 jurisdiction of the Court, as authorized by 28 U.S.C. § 1367. Each of these state
17 claims arises out of the same set of operative facts as do the aforesaid claims
18 brought under the laws of the United States and form part of the same case or
19 controversy.

20 PARTIES

21 5. Plaintiff Abdul-Jabbar Gbajabiamila ("Plaintiff") is an African-
22 American man, of Nigerian descent, residing in the County of Los Angeles, State of
23 California. At all times during which the events described in this complaint took
24 place, plaintiff resided in the County of San Diego, State of California, within the
25 judicial district in which this claim is brought.

26 6. At all relevant times, Defendant Abercrombie & Fitch, Inc., was a
27 corporation doing business and employing individuals in the County of San Diego,
28 State of California, and within the judicial district in which this claim is brought.

7. At all relevant times, Hollister Co. was a division of Abercrombie &

1 Fitch, Inc., and did business and employed individuals in the County of San Diego,
2 State of California, and within the judicial district in which this claim is brought.

3 8. The true names and capacities of Defendants, DOES 1 through 50,
4 inclusive, whether individual, corporate, associate or otherwise, are unknown to
5 Plaintiff at the time of filing this Complaint and Plaintiff, therefore, sues said
6 Defendants by such fictitious names and will ask leave of Court to amend this
7 Complaint to show their true names or capacities when the same have been
8 ascertained. Plaintiff is informed and believes, and based thereon alleges, that each
9 of the DOE Defendants is, in some manner, responsible for the events and
10 happenings herein set forth and proximately caused injury and damages to Plaintiff
11 as herein alleged.

12 9. Whenever in this Complaint reference is made to any act of
13 Defendants, such allegations shall be deemed to mean that all named Defendants
14 and DOES 1 through 50, or their officers, agents, managers, representatives,
15 employees, heirs, assignees, customers and tenants, did or authorized such acts
16 while actively engaged in the operation, management, direction or control of the
17 affairs of Defendants and while acting within the course and scope of their duties,
18 except where alleged to the contrary.

19 **FACTUAL ALLEGATIONS**

20 10. Plaintiff Abdul-Jabbar Gbajabiamila ("Abdul") is and at all relevant
21 times has been male and African-American.

22 11. Plaintiff was born in Los Angeles, California, in 1981, to parents who
23 had emigrated to the United States from Nigeria.

24 12. Plaintiff was employed by Defendants Abercrombie & Fitch, Inc.
25 (hereinafter "Abercrombie" or "the company"), in its Hollister Co. (hereinafter
26 "Hollister") division of stores, from February 22, 2007, through June 12, 2007.

27 13. Plaintiff was hired to work in a Hollister Co. store in El Cajon,
28 California. Specifically, plaintiff was hired into the Manager in Training position.

14. Plaintiff's hair is black, coarse, and very curly. In these and other

1 physical respects, plaintiff's hair is typical of Sub-Saharan African hair.

2 15. At the time that plaintiff was hired, he wore his hair in an "Afro"
3 hairstyle of approximately one inch in length.

4 16. At the time that plaintiff was hired, he was told by an Abercrombie
5 representative (Tanner Cole) that he would be expected to abide by
6 Abercrombie's/Hollister's "Look Policy." During the interview and hiring process,
7 plaintiff was never told that wearing one's hair in "corn-rows" violated the Look
8 Policy.

9 17. In or around April 2007, Abdul was provided a copy of
10 Abercrombie's/Hollister's Look Policy ("the policy") contained within
11 Abercrombie's/Hollister's Employee Handbook.

12 18. The policy stated that Abercrombie employees were expected to
13 fashion their hair in a style that was "clean, natural, and classic." This was the sole
14 provision in the policy regarding hair grooming. The only other provision in the
15 policy that conceivably related to hair grooming was a statement indicating that the
16 preferred look or style was consistent with the Southern California "surfer look."

17 19. Abercrombie/Hollister also maintains a "Look Book" comprised of
18 photographs of its sales people. The Look Book displays approximately 36 head
19 shots – 11 of the photographs depict white males, 5 of the photographs depict
20 African-American males, and the remainder of the photographs depict women of
21 both African-American and European descent, with the exception of two
22 photographs of males of Asian and mixed race descent. The white males and the
23 males of Asian and mixed-race are depicted with hairstyles of varying lengths and
24 textures. Specifically, the hairstyles worn by the white males consist of hair lengths
25 ranging from an extremely short crew cut, to mid-length spiked hair, to lengthy hair
26 flowing to the middle of the neck. The hairstyles worn by the white, Asian, and
27 mixed race males tend to reveal the texture of the hair, including textures that are
28 spiky, straight, wavy and curly. The five (5) African-American males are all
depicted wearing an extremely short cropped hairstyle, commonly known as a

1 “fade”. The fade consists of a closely shaven hairstyle that does not display the
2 natural texture of the hair. Thus, in the “Look Book,” all black males with coarse
3 and kinky hair sport hairstyles that conceal the texture of their hair, while non-black
4 males wear hairstyles that reveal the texture of their hair.

5 20. During Abdul’s employment period, Abercrombie/Hollister also
6 maintained a website replete with images of models displaying the Abercrombie
7 “look”. Approximately twenty (20) of the images depict males. All of the males are
8 white with hairstyles of varying lengths and textures.

9 21. During Abdul’s employment, at the Hollister store at which he worked,
10 there were white male employees who sported hairstyles that required hair gel, as
11 well as mid- to shoulder-length hairstyles. Further, there were white male
12 employees with tightly curled hair, wearing their hair in a bushy hair style, two
13 inches or more in length. There was also at least one male employee of mixed-race
14 descent (white and African-American) with chemically straightened hair.

15 22. In mid-May, 2007, plaintiff styled his hair in corn-rows for his
16 graduation ceremony from San Diego State University. Three days after his
17 graduation, on or about May 22, 2007, plaintiff reported for work with his hair in
18 neatly groomed corn-rows.

19 23. On or about May 23, 2007, plaintiff’s immediate supervisor, Store
20 Manager Erik Ryan, who is white, recommended plaintiff remove his corn-rows
21 because he was uncertain whether corn-rows were compliant with the Look Policy.
22 Plaintiff informed his manager that the Look Policy simply required that employees
23 style their hair in a fashion that was “clean, natural, and classic” and did not prohibit
24 the corn row hairstyle. Plaintiff’s manager said that he would refer the matter to the
25 District Manager.

26 24. On or about May 26, 2007, District Manager for Abercrombie,
27 Shaylyn Woolf, who is white, told plaintiff that he had to remove his corn-rows to
28 comply with the Look Policy. Plaintiff requested written documentation that his
hair-style was not in compliance. Ms. Woolf assured him that she would provide

1 documentation.

2 25. On or about June 8, 2007, Ms. Woolf and Tony Park, Director of
3 Human Resources for Hollister Co.'s West Coast stores, held a telephonic meeting
4 with plaintiff. Mr. Park stated that corn-rows were not an acceptable hair-style
5 under the terms of the Look Policy. Plaintiff again requested a copy of the written
6 policy prohibiting corn-rows. At no point did Abercrombie or its representatives
7 provide plaintiff with any written policy or document stating that corn-rows were an
8 unacceptable hair-style under company policy. During this phone call, Mr. Park
9 suggested that plaintiff think about whether he was willing to take out his corn-
10 rows.

11 26. On or about June 12, 2007, plaintiff arrived at the store before the start
12 of his shift wearing a hat. Ms. Woolf asked him to remove the hat. Seeing that he
13 still had his hair in corn-rows, Ms. Woolf notified Mr. Park of this fact by
14 telephone.

15 27. On the same day, Mr. Park again spoke to plaintiff by telephone, and
16 told him to take out his corn-rows. Mr. Park advised Abdul that he would allow
17 him to think the matter over until his next work shift commenced. Plaintiff
18 responded that he did not need the additional time to think about the matter, as he
19 did not believe he was non-compliant with the Look Policy, and he did not intend to
20 change his hairstyle.

21 28. On or about June 12, 2007, Ms. Woolf terminated plaintiff's
22 employment.

23 29. Abdul was never provided a copy of the "Look Book" during his
24 employment with Abercrombie.

25 30. At no point between plaintiff's date of hire and mid-May, 2007, was
26 plaintiff ever informed, advised, or counseled that wearing one's hair in "corn-
27 rows" would violate Abercrombie's Look Policy or any other grooming policy in
28 effect within the company.

31. On several occasions prior to his adoption of the corn-row hairstyle,

1 however, Abdul was counseled by fellow managers that he should reduce the size of
2 his Afro to conform to the shorter "fade" hairstyle that conceals the texture of the
3 hair.

4 32. At all relevant times, Plaintiff was an employee as defined by 42 U.S.C.
5 2000e(f), prohibiting discrimination and retaliation in employment on the basis of
6 race.

7 33. At all relevant times, Defendants were employers within the meaning
8 of 42 U.S.C. 2000e(a), and, as such, were barred from discriminating and retaliating
9 in employment decisions on the basis of race.

10 34. Plaintiff filed a written complaint with the Department of Fair
11 Employment and Housing ("DFEH") on September 19, 2007.

12 35. On or around September 26, 2007, the DFEH filed a charge on
13 Plaintiff's behalf with the Equal Employment Opportunity Commission ("EEOC")
14 (Case No. 37AA713433).

15 36. On September 15, 2007, The DFEH issued an accusation against
16 Abercrombie & Fitch, Inc., alleging that it had violated Government Code sections
17 12940 *et seq* by terminating plaintiff's employment. The FEHC heard the case (No.
18 E 200708-D-0364-00e) on April 28-29 and May 4, 2009, in San Diego, California.
19 The FEHC issued its final decision on October 1, 2009, finding that Abercrombie &
20 Fitch had not violated the FEHA. The FEHC's power to order reconsideration
21 expired on November 2, 2009.

22 37. As set forth above, plaintiff has exhausted all his administrative
23 remedies.

24 **FIRST CAUSE OF ACTION**

25 **RACE DISCRIMINATION (42 U.S.C. § 2000e) – DISPARATE TREATMENT** 26 **(Against All Defendants)**

27 38. Plaintiff re-alleges and incorporates herein by reference paragraphs 1
28 through 37, inclusive, as though fully set forth herein.

39. Defendants' actions violated Title VII of the Civil Rights Act of 1964,

1 42 U.S.C. § 2000e-2.

2 40. Defendants discriminated against plaintiff in the terms and conditions
3 of his employment by requiring him, because of and in virtue of his race, to adhere
4 to onerous and unnecessary personal grooming restrictions and requirements
5 relating to plaintiff's hair-style. These grooming restrictions and requirements were
6 not necessary for, or reasonably related to, the performance of plaintiff's job duties.

7 41. Defendants discharged plaintiff from his employment because of his
8 race.

9 42. As a direct and proximate result of Defendant's unlawful conduct,
10 Plaintiff has suffered and will continue to suffer loss of wages, earnings, and other
11 employment benefits, in amounts to be proven at trial.

12 43. As a direct and proximate result of Defendant's unlawful conduct,
13 Plaintiff has suffered and will continue to suffer humiliation, emotional distress, and
14 mental and physical pain and anguish, all to his damage in an amount according to
15 proof at the time of trial.

16 44. Plaintiff has incurred and continues to incur attorneys' fees, and costs
17 of suit, in an amount according to proof at the time of trial.

18 **SECOND CAUSE OF ACTION**

19 **RACE DISCRIMINATION (42 U.S.C. § 2000e) – DISPARATE IMPACT**
20 **(Against All Defendants)**

21 45. Plaintiff re-alleges and incorporates herein by reference paragraphs 1
22 through 37, inclusive, as though fully set forth herein.

23 46. Defendant's actions violated Title VII of the Civil Rights Act of 1964,
24 42 U.S.C. § 2000e-2.

25 47. Defendants discriminated against African-American employees in the
26 terms and conditions of their employment by enforcing a personal grooming policy
27 which, on its face and as-applied, disparately impacted African-Americans,
28 requiring them to adhere to onerous and unnecessary personal grooming restrictions
and requirements while allowing non-African-American employees far more

latitude in personal grooming and hair-style choices. These grooming restrictions and requirements were not necessary for, or reasonably related to, the performance of defendants' employees' job duties.

48. African-American employees were required to adhere to the foregoing grooming restrictions and requirements as a condition of their employment with defendants.

49. Because plaintiff refused to adhere to defendants' discriminatory policy, as alleged in ¶¶ 47-48, defendants terminated plaintiff from his employment

50. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered and will continue to suffer loss of wages, earnings, and other employment benefits, in amounts to be proven at trial.

51. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered and will continue to suffer humiliation, emotional distress, and mental and physical pain and anguish, all to his damage in an amount according to proof at the time of trial.

52. Plaintiff has incurred and continues to incur attorneys' fees, and costs of suit, in an amount according to proof at the time of trial.

THIRD CAUSE OF ACTION

NATIONAL ORIGIN DISCRIMINATION (42 U.S.C. § 2000e)

(Against All Defendants)

53. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 37, inclusive, as though fully set forth herein.

54. Defendant's actions violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2.

55. Defendants discriminated against plaintiff in the terms and conditions of his employment by requiring him, because of and in virtue of his national origin (Nigeria), to adhere to onerous and unnecessary personal grooming restrictions and requirements. These grooming restrictions and requirements were not necessary for, or reasonably related to, the performance of plaintiff's job duties.

1 56. Defendants discharged plaintiff from his employment because of his
2 national origin (Nigeria).

3 57. As a direct and proximate result of Defendant's unlawful conduct,
4 Plaintiff has suffered and will continue to suffer loss of wages, earnings, and other
5 employment benefits, in amounts to be proven at trial.

6 58. As a direct and proximate result of Defendant's unlawful conduct,
7 Plaintiff has suffered and will continue to suffer humiliation, emotional distress, and
8 mental and physical pain and anguish, all to his damage in an amount according to
9 proof at the time of trial.

10 59. Plaintiff has incurred and continues to incur attorneys' fees, and costs
11 of suit, in an amount according to proof at the time of trial.

12 **FOURTH CAUSE OF ACTION**

13 **Retaliation for Opposing an Unlawful Employment Practice**

14 **(Against All Defendants)**

15 60. Plaintiff re-alleges and incorporates herein by reference paragraphs 1
16 through 37, inclusive, as though fully set forth herein.

17 61. Defendant's actions violated Title VII of the Civil Rights Act of 1964,
18 42 U.S.C. § 2000e-3.

19 62. Defendants discriminated against African-American employees in the
20 terms and conditions of their employment by enforcing a personal grooming policy
21 which, on its face and as-applied, disparately impacted African-Americans,
22 requiring them to adhere to onerous and unnecessary personal grooming restrictions
23 and requirements while allowing non-African-American employees far more
24 latitude in personal grooming and hair-style choices. These grooming restrictions
25 and requirements were not necessary for, or reasonably related to, the performance
26 of defendants' employees' job duties.

27 63. African-American employees were required to adhere to the foregoing
28 grooming restrictions and requirements as a condition of their employment with
defendants.

1 64. Plaintiff opposed the defendants' discriminatory policy, as alleged in
2 ¶¶ 62-63, by refusing to adhere to it and by vocally questioning its logic and
3 fairness, in several interactions relating to the policy between plaintiff and upper
4 managers and representative of defendants.

5 65. Defendants terminated plaintiff's employment because he opposed
6 defendants' discriminatory grooming policy.

7 66. As a direct and proximate result of Defendant's unlawful conduct,
8 Plaintiff has suffered and will continue to suffer loss of wages, earnings, and other
9 employment benefits, in amounts to be proven at trial.

10 67. As a direct and proximate result of Defendant's unlawful conduct,
11 Plaintiff has suffered and will continue to suffer humiliation, emotional distress, and
12 mental and physical pain and anguish, all to his damage in an amount according to
13 proof at the time of trial.

14 68. Plaintiff has incurred and continues to incur attorneys' fees, and costs
15 of suit, in an amount according to proof at the time of trial.

16 **FIFTH CAUSE OF ACTION**

17 **Wrongful Termination in Violation of Public Policy**

18 **(Against All Defendants)**

19 69. Plaintiff re-alleges and incorporates herein by reference paragraphs 1
20 through 30, inclusive, as though fully set forth herein.

21 70. Defendants terminated Plaintiff's employment on grounds that violate
22 California public policies prohibiting discrimination on the basis of race and color
23 against employees, and prohibiting retaliation against employees who oppose race
24 discrimination in employment, including the anti-discrimination and anti-retaliation
25 provisions of FEHA (Government Code §§12940(a), (h), and (k)), and Article I,
26 Section 8 of the California Constitution.

27 71. Defendants terminated plaintiff's employment on grounds contrary to
28 the foregoing public policies, because he refused to adhere to, and opposed,
defendants' discriminatory employee grooming policy.

72. As a proximate result of the wrongful conduct of Defendants, and each of them, Plaintiff has suffered and continues to sustain substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

73. As a proximate result of the wrongful conduct of Defendants, and each of them, Plaintiff has suffered and continues to suffer humiliation, emotional distress, and mental and physical pain and anguish, all to her damage in an amount according to proof at the time of trial.

74. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered and will continue to suffer loss of wages, earnings, and other employment benefits, in amounts to be proven at trial.

75. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered and will continue to suffer humiliation, emotional distress, and mental and physical pain and anguish, all to his damage in an amount according to proof at the time of trial.

76. Plaintiff has incurred and continues to incur attorneys' fees, and costs of suit, in an amount according to proof at the time of trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment against Defendants, and each of them, as follows:

1. For an injunction requiring defendants to modify their grooming policy so that it does not disparately impact African-Americans and other individuals of African origin;
2. For past and future lost income and benefits;
3. For emotional distress damages;
4. For all other special and general compensatory damages according to proof;
5. For punitive damages;
6. For prejudgment and post-judgment interest as available by law; and

1 7. For such other and further relief as this Court may deem just and
2 proper.

3
4 DATED: April 7, 2010

LAW OFFICE OF LISA HOLDER

5
6 By:  _____

Lisa Holder

7 Attorney for Plaintiff
8 ABDUL-JABBAR GBAJABIAMILA

9
10 DATED: April 7, 2010

LAW OFFICE OF SANJUKTA M. PAUL

11
12 By:  _____

Sanjukta Paul

13 Attorney for Plaintiff
14 ABDUL-JABBAR GBAJABIAMILA

15
16 **PLAINTIFF'S DEMAND FOR JURY TRIAL**

17 Plaintiff Abdul-Jabbar Gbajabiamila hereby demands a trial by jury.
18

19 DATED: April 7, 2010

LAW OFFICE OF LISA HOLDER

20
21 By:  _____

Lisa Holder

22 Attorney for Plaintiff
23 ABDUL-JABBAR GBAJABIAMILA

24
25 DATED: April 7, 2010

LAW OFFICE OF SANJUKTA M. PAUL

26
27 By:  _____

Sanjukta Paul

28 Attorney for Plaintiff
 ABDUL-JABBAR GBAJABIAMILA

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Abdul Jabbar Gbajabiamila

(b) County of Residence of First Listed Plaintiff Los Angeles
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Law Office of Lisa Holder, P.O. Box 65694, Los Angeles, CA 90065
Law Office of Sanjukta M. Paul, 1475 Echo Park Ave., Los Angeles, CA 90026

DEFENDANTS

Aberecrombie and Fitch Stores Inc. d/b/a Hollister Co.

County of Residence of First Listed Defendant San Diego
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. BY [Signature] DEPUTY

Attorneys (If Known)

'10 CV 0740 IEG

WMC

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

- (Place an "X" in One Box Only)
- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

Title VII

Brief description of cause:

Race Discrimination and National Origin Discrimination in Employment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ DAMAGES
According to Proof

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

04/07/2010

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

CP